

AMENDMENTS TO LB 237

1                   1. Strike sections 1 and 2 and insert:

2                   "Section 1. Section 48-125, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4                   48-125. (1) Except as hereinafter provided, all amounts  
5 of compensation payable under the Nebraska Workers' Compensation  
6 Act shall be payable periodically in accordance with the methods of  
7 payment of wages of the employee at the time of the injury or  
8 death. Fifty ~~7~~ ~~except that fifty~~ percent shall be added for  
9 waiting time for all delinquent payments after thirty days' notice  
10 has been given of disability or after thirty days from the entry of  
11 a final order, award, or judgment of the compensation court, ~~except~~  
12 that for any award or judgment against the state in excess of one  
13 hundred thousand dollars which must be reviewed by the Legislature  
14 as provided in section 48-1,102, fifty percent shall be added for  
15 waiting time for delinquent payments thirty days after the  
16 effective date of the legislative bill appropriating any funds  
17 necessary to pay the portion of the award or judgment in excess of  
18 one hundred thousand dollars. Such payments shall be sent directly  
19 to the person entitled to compensation or his or her designated  
20 representative except as otherwise provided in section 48-149.

21                   (2) Whenever the employer refuses payment of compensation  
22 or medical payments subject to section 48-120, or when the employer  
23 neglects to pay compensation for thirty days after injury or  
24 neglects to pay medical payments subject to such section after

AM0658  
LB 237  
DCC-03-01

AM0658  
LB 237  
DCC-03-01

1 thirty days' notice has been given of the obligation for medical  
2 payments, and proceedings are held before the Nebraska Workers'  
3 Compensation Court, a reasonable attorney's fee shall be allowed  
4 the employee by the compensation court in all cases when the  
5 employee receives an award. Attorney's fees allowed shall not be  
6 deducted from the amounts ordered to be paid for medical services  
7 nor shall attorney's fees be charged to the medical providers. If  
8 the employer files an application for review before the  
9 compensation court from an award of a judge of the compensation  
10 court and fails to obtain any reduction in the amount of such  
11 award, the compensation court shall allow the employee a reasonable  
12 attorney's fee to be taxed as costs against the employer for such  
13 review, and the Court of Appeals or Supreme Court shall in like  
14 manner allow the employee a reasonable sum as attorney's fees for  
15 the proceedings in the Court of Appeals or Supreme Court. If the  
16 employee files an application for a review before the compensation  
17 court from an order of a judge of the compensation court denying an  
18 award and obtains an award or if the employee files an application  
19 for a review before the compensation court from an award of a judge  
20 of the compensation court when the amount of compensation due is  
21 disputed and obtains an increase in the amount of such award, the  
22 compensation court may allow the employee a reasonable attorney's  
23 fee to be taxed as costs against the employer for such review, and  
24 the Court of Appeals or Supreme Court may in like manner allow the  
25 employee a reasonable sum as attorney's fees for the proceedings in  
26 the Court of Appeals or Supreme Court. A reasonable attorney's fee  
27 allowed pursuant to this section shall not affect or diminish the

AM0658  
LB 237  
DCC-03-01

AM0658  
LB 237  
DCC-03-01

1 amount of the award.

2           ~~(2)~~ (3) When an attorney's fee is allowed pursuant to  
3 this section, there shall further be assessed against the employer  
4 an amount of interest on the final award obtained, computed from  
5 the date compensation was payable, as provided in section 48-119,  
6 at a rate equal to the rate of interest allowed per annum under  
7 section 45-104.01, as such rate may from time to time be adjusted  
8 by the Legislature. Interest shall apply only to those weekly  
9 compensation benefits awarded which have accrued at the time  
10 payment is made by the employer. If the employer pays or tenders  
11 payment of compensation, the amount of compensation due is  
12 disputed, and the award obtained is greater than the amount paid or  
13 tendered by the employer, the assessment of interest shall be  
14 determined solely upon the difference between the amount awarded  
15 and the amount tendered or paid.

16           Sec. 2. Section 48-1,102, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           48-1,102. Any final, nonappealable award ~~to a claimant~~  
19 ~~and any~~ or judgment in favor of a claimant under sections 48-192 to  
20 48-1,109 shall be certified by the Attorney General to the Risk  
21 Manager and to the Director of Administrative Services. The  
22 Director of Administrative Services ~~who~~ shall promptly issue his  
23 or her warrant for payment of such award or judgment out of the  
24 Workers' Compensation Claims Revolving Fund, if sufficient money is  
25 available in such fund, except that no portion in excess of ~~fifty~~  
26 one hundred thousand dollars of any award or judgment shall be paid  
27 until such award or judgment has been reviewed by the Legislature

AM0658  
LB 237  
DCC-03-01

AM0658  
LB 237  
DCC-03-01

1 and specific appropriation made therefor. Notice of any portion of  
2 an award or judgment in excess of one hundred thousand dollars  
3 shall be delivered by the Risk Manager to the chairperson of the  
4 Business and Labor Committee of the Legislature at the next regular  
5 session of the Legislature convening after the date the award or  
6 judgment becomes final and nonappealable. Delivery of any warrant  
7 in satisfaction of an award or judgment shall be made only upon  
8 receipt of a written receipt by the claimant in a form provided by  
9 the Attorney General."